

Before the
UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

South Valley Station
Yerington, Nevada

Docket No. A2012-108

PUBLIC REPRESENTATIVE REPLY COMMENTS
(March 8, 2012)

I. Summary

The Final Determination to discontinue the South Valley Station would result in reduced access to publicly available postal services for the disabled, and leave the Yerington community with an historic post office facility noncompliant with the American Disabilities Act (ADA).¹ The Postal Service's Administrative Record (AR) and Final Determination show insufficient regard to compliance with even minimum Federal regulations that the disabled have equal access to publicly available facilities. Furthermore, the antiquated Yerington Main Post Office currently is in disrepair, and poses additional safety challenges for both its customers and employees who are, and may become temporarily or permanently disabled.

The Public Representative (PR) respectfully asks that the Commission consider remanding the Final Determination to close the South Valley Station as it is currently, the only compliant with the ADA postal services retail facility in the Yerington community. Otherwise, the PR believes, retaining only the historic Yerington Main Post Office would be in violation of the ADA laws.²

¹ If two close proximity public facilities exist, both are not required to be fully ADA compliant. <http://www.access-board.gov/enforcement/faq.htm>. The discontinuance of the South Valley Station would require substantial facility modifications to the retained historic facility to meet the minimum Uniform Federal Accessibility Standards. See also: <http://www.access-board.gov/ada-aba/aba-standards-usps.cfm> and <http://www.nps.gov/history/hps/tps/briefs/brief>.

² Even historical facilities are required to meet the minimum accessibility requirements (see §4.1.7. and §4.1.7(2)). Current ramp and toilets do not comply at the historic postal facility, as well as parking standards are in violation. See pp. 25-26 §4.1.1.(5). <http://www.access-board.gov/ufas/ufas-html/ufas.htm#4.1.7>

II. Introduction

The proposed retention of only the nearby historic Yerington Main Post Office, on closure of the South Valley Station, currently would appear to conflict with the ADA regulations related to equal access to publicly available facilities.³ The Postal Service's reasoning and depiction of this as a "retail rearrangement" is misplaced for these two Yerington community postal retail facilities.⁴

Full compliance with the ADA at the historic Yerington Main Post Office can't be made for both employees and customers. Given the land lot size, the historic building preservation issues, and expansion limitations, both Yerington customers and employees will be negatively affected by the South Valley Station closure. The historic Main Post Office is closely spaced next to other town buildings with no room for expansion in the front or in the back of the building.⁵ The Yerington Main Post office has three levels. The women's restroom for customers and employees is on the lower level (basement) of the building (access is only by stone steps leading down to this level), the men's restroom is on the main level, and employee offices are on the third level (access is only by stone steps above the main customer lobby level for employees and customers needing privacy to conduct/or discuss business and service issues). Restrooms are not ADA compliant nor accessible, parking does not meet ADA requirements, and counters available to the public are too high to be compliant at the historic Yerington Main Post Office.⁶

The access ramp that had been installed at the historic facility is currently in need of repairs (Petitioner/Postmaster Smith). The photo below shows the ramp on the north side of the building, adjacent to the drive-through mail chute collection box. The disabled needing a flat surface to ambulate or using a wheel chair must maneuver into the main trafficked roadway to get to the flat apron curb entry, and then travel on the same path/road used by vehicles exiting the parking lot or using the drive-through mail chute to access the ramp entrance.

⁴ The PR opposes the Postal Services depiction and use of the "retail rearrangement" label to the Yerington retail facilities involved in this appeal. The facilities and circumstances around "retail rearrangements" cited in other post office appeals were different than those in Yerington. Discontinuing the South Valley Station, and retaining the Yerington Main Post Office, is not an equal "apples-to-apples" rearrangement of postal retail facilities.

⁵ The Yerington Main Post Office was built in 1939 and is registered as a National Historic Facility. The land was bought and the building was constructed with Department of Treasury funds provided during the Depression era to small communities. See: <http://pdfhost.focus.nps.gov/docs/NRHP/Text/90000138.pdf>

⁶ Postal Service employees confirmed these details (some of which are visible in public records and photos) when contacted by the PR. The one front handicapped parking spot is the only handicapped spot (which they reported also happens to be used/blocked at multiple times by delivery trucks).

Historic Yerington Main Post Office Facility



The Uniform Federal Accessibility Standards state that parking lots of 25 or more spaces require a minimum of two handicapped spaces. The aerial photo of the historic post office shown below indicates there are more than 25 spaces in the parking lot (which is also utilized by Postal Service employees and vehicles).⁷

⁷See Uniform Federal Accessibility Standards, pp. 25-26 §4.1.1.(5). <http://www.access-board.gov/ufas/ufas-html/ufas.htm>

Historic Yerington Main Post Office Facility



Google Maps accessed March 7, 2012

www.googlemaps.com (satellite map)

The land around the historic post office is fixed-main street on the front side of the property, alley and residences juxtaposed up against/close to the parking lot in the back and other retail facilities on both sides. Room for expanding the building and parking facilities is non-existent. The plot size of the historic main post office (including both the building and parking lot) is 145 feet wide by 181.8 feet long (See National Historic Register Diagram that follows PR comments).

Historic Yerington Main Post Office Facility



Main street view, handicap blue wheelchair parking symbol on concrete shows the proximity of the handicapped parking space to the main roadway. Google Maps accessed March 7, 2012 (www.googlemaps.com)

Economics Analysis

The PR confirmed with the Postmaster that she is the only Postmaster overseeing both the South Valley Station and the Yerington Main Post Office. The Postmaster savings (or any other employee) savings is \$0.00 for this proposed closure. All staff and carrier routes will be relocated to the much smaller, noncompliant with the ADA historic Yerington Main Post Office. The South Valley Station annual lease has a “no-cancellation clause” term and the Postal Service is currently, legally bound to directly pay the annual lease amount of \$96,000 through May 2023.⁸ Given the AR info, and the PR-obtained lease terms clarification, the PR believes that the proposed \$96,000 savings even for one year, can only be hypothetical.

Employee Concerns

All employees including the Postmaster and the route carriers will be moved to the historic Yerington Main Post Office, currently noncompliant with the ADA for **both** employees and customers. Since the AR shows the ADA requirements and questions raised have been largely ignored, and the eight route carrier employees weren’t mentioned, the PR believes it would be legitimate to conclude employee concerns were not considered. The Postmaster confirmed by email the routes emanating from the South Valley Station to be eight that are planned for transfer to the smaller Yerington Main Post Office (the Postmaster reports there are four city routes, one rural route, and three highway contract routes currently emanating out of the South Valley Station).⁹

Community Concerns

Community concerns have been ignored, substantial sections of the AR record omitted information about the business community, and the grossly conflicting depiction of the Yerington community having no growth was included.¹⁰ The PR believes the AR evidence shows insufficient and inadequate attention was given to community concerns.

The number of businesses publicly listed in Yerington and the expected large influx of business and employees with the new mines (one is reported to be bringing 800 new employees to this approximately 3,000-4,000 population community) further support community concerns expressed in the AR that were not adequately addressed.

⁸ The PR clarified and confirmed with the South Valley Station land lord/lessor (by phone and email correspondence) the lease contract terms since only “No” had been entered on the AR Post Office Survey single line form that asks two questions: “Lease terms? 30-day cancellation clause?”

⁹ The Postmaster put these statements in writing and this email correspondence is included as an attachment with permission in this Docket.

¹⁰ The AR Community Survey Response was “none.”

The AR omission of business data and the grossly publicly contestable information related to no growth on the community survey is likely perceived as intentional by the general public (given the inadequacy, parking violations and lack of facility and parking expansion at the proposed retained historic facility).¹¹

III. Other Commission Considerations

AR Indicates Discontinuance Laws Related to Proposal Postings Inviting Public Comments at Affected Facilities Appear to Have Been Violated¹²

The missing, incomplete or conflicting AR documentation does not show that the public posting of the proposal to discontinue the South Valley Station inviting public comments was posted at the affected Yerington Main Post Office. Due to the documented, multiple AR deficiencies around this specific issue, the PR contacted the Yerington Postal Service staff directly to ask if the public posting of the discontinuance proposal inviting public comments had been posted at the Yerington Main Post Office. None recalled a public proposal posting at the historic Yerington Main Post Office.¹³

¹¹ <http://www.nnbw.com/ArticleRead.aspx?storyID=18962> "Business owners in Yerington for the most part say they are eager for the opening of the mine, which could employ as many as 800 miners for both open-pit and underground operations. "

<http://www.lyon-county.org/index.aspx?NID=242> Yerington is described as having a growing industrial park. <http://business.intuit.com/directory/g7891-yerington-nv> Numerous businesses are shown here.

<http://www.american towns.com/nv/yerington-information> "A review of population trends shows a 42% change since 1990 and 15% since 2000."

¹² The proposal for discontinuance is required to be publicly posted for 60 days at the affected postal service retail facilities. The contestable AR documentation is lacking info on some documents as to which memos went where, and none of the AR documents show any proposal notice was officially posted at the historic Yerington Main Post Office. An AR memo to the record notes only that no comments were received at the South Valley Station. No AR record indicates what happened at the Yerington Main Post Office. No official round date stamps are on any of these proposal comment period documents (see related AR PDF pages 1472, 1465, 1495 and 1496). The Postmaster was on extended leave around this time period and could not confirm definitively. The Postmaster did post the Final Determination at both retail facilities and confirmed to the PR that the required round-date stamps shown on the AR documents are the same/used in the two facilities (same city name and zip code).

¹³ The Postal Service Headquarters staff has requested that the PRs contact them directly related to AR deficiencies. With all due respect to the integrity of the Postal Service Headquarters staff, the PR believes this request in general, is inappropriate because it potentially raises an ethics issue not only for this PR, but in the mind of the general public in regards to these proceedings. See Postal Service Comments filed on February 18, 2012 in Docket A2012-83.

Arbitrary Data Considerations

The Final Determination claims a “minimal workload” at the South Valley Station when in actuality, the Postmaster reports a very different South Valley Station workload (see attached email and Postmaster letter that follows PR comments). The AR data and documentation provided to the Commission is materially incomplete and inaccurate in terms of workload, employees affected, and the proposed savings.

The data in the window transaction survey is atypical and of questionable accuracy. The South Valley Station has had over half-a million dollars annually in walk-in revenue for the past three years, yet the AR window transaction survey shows only stamps were sold during the entire two weeks. Postal Service staff contacted by the PR, clarified that that this window transaction survey data is atypical for their usual type of regular walk-in window transactions types (a large number of other window transactions such as money orders as well as parcels would be typical).

The AR Work Service Credit calculations are largely incorrect for the South Valley Station. The Survey of Incoming Mail and Survey of Dispatched mail show a much larger volume than 186 box holders could possibly generate. The Postmaster confirmed that eight carrier routes emanate from the South Valley Station (this fact explains the high mail volumes shown in the incoming and dispatched surveys contained in the AR). The only South Valley Station activity entered in the workload service credit calculation is for the 186 box holders. No work activity is included or shown on this sheet (or in the AR) that accurately reflects the total workload activity at the South Valley Station. The PR believes the Final Determination “minimal workload” reference for the South Valley Station is undisputably false.

Due to these large material AR errors, the PR believes the substance of the submitted AR evidence falls into the “arbitrary category.”

Regular and Effective Service

The proposed alternative retail and delivery postal services can't provide regular and effective service to all with disabilities. The Postal Service's suggestion for home delivery and exceptions for hardship cases are not equivalent substitutes for postal services and access provided at a compliant with the ADA postal services facility.

The ADA disability definition¹⁴ is much broader than the Postal Service's determination of an “extreme physical hardship.”¹⁵

¹⁴ 2008 Amendments to the ADA further expanded the disability definition. See: <http://www.access-board.gov/about/laws/ada-amendments.htm>

Despite the Postal Service's proposal to provide home delivery to the disabled, equal services won't be obtained due to the limitations in the service provided, the expected delays and the differences between the legal definition of disability and "extreme physical hardship." The last Census Bureau Survey showed that the Yerington community had an estimated disability population of at least over a hundred.¹⁶

The Final Determination states that the 186 South Valley Station box holders can obtain a box at the retained historic Yerington Main Post Office. These customers may not have the option of a curbside alternative service closer to their home, and would have to travel to the main post office to access their mail and other postal services. The closest other post office is 15.8 miles away (Smith Post Office).¹⁷

IV. Conclusion

The proposed closing of the South Valley Station is the discontinuance of a retail facility, not simply a "rearrangement of retail facilities" as proposed by the Postal Service. Due to the AR inaccuracies, omissions and existing blatant inattention to facility disability regulations compliance and issues, the PR respectfully asks that the Commission consider remanding the Final Determination to close the South Valley Station.

Respectfully submitted,

/s/ Manon A. Boudreault
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¹⁵ Item 47 page 3 of the Final Determination: "Changes in the type of delivery are considered where service by existing methods would impose an extreme physical hardship for an individual customer. Any request for a change in delivery method must be submitted in writing to the administrative postmaster."

¹⁶ <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>, See: **Table: SEX BY AGE BY PHYSICAL DISABILITY BY EMPLOYMENT STATUS FOR THE CIVILIAN NONINSTITUTIONALIZED POPULATION 5 YEARS AND OVER [49]Universe: Civilian noninstitutionalized population 5 years and over, Census 2000 Summary File 4 (SF 4) - Sample Data.**

¹⁷ The Postal Service Comments touting the nearby Wells Fargo Bank as a "nearby retail access" facility is analogous to claiming one's telephone is a "retail access facility." The PR telephoned the Yerington Wells Fargo Bank and was told that they only sell stamps at the ATM. The bank customer service representative also clarified that money order services are only available/issued to Wells Fargo Bank account holders.

Yerington, NV Postmaster Attachment

From: [Smith, Lisa A - Yerington, NV](#)
To: BOUDREAU, MANON A;
Subject: RE: Attached Image--final determination--
the summary section last page says there are no routes coming out of the South Valley Station
Date: Wednesday, March 07, 2012 4:08:31 PM
Attachments: [To Whom It May Concern.doc](#)

Manon,
see attached
Let me know if I need to add anything.

Lisa Smith
Postmaster
Yerington NV
775-463-1566 or 775-463-9697
(F) 651-306-6585

From: BOUDREAU, MANON A [mailto:manon.boudreault@prc.gov]
Sent: Wednesday, March 07, 2012 12:38 PM
To: Smith, Lisa A - Yerington, NV
Subject: FW: Attached Image--final determination--the summary section last page says there are no routes coming out of the South Valley Station

Dear Ms. Smith,

If you can confirm our discussions about the routes emanating from the South Valley Station and that you are the only Postmaster for the Yerington Main Post Office and the South Valley Station I will add this to my filing today. I think these points are important to confirm in the record because these look to be large inaccuracies in the economics savings calculations and summary section.

Thank you.

Manon Boudreault, Public Representative for Docket A2012-108
Postal Regulatory Commission
901 New York Ave, Suite 200
Washington, DC 20268-0001
202-789-6852

Email correspondence from Postmaster Smith who manages both the Yerington Main Post Office and the South Valley Station.

To Whom It May Concern:

I Lisa Smith, Postmaster of Yerington manage both offices here in Yerington. The Final Determination to Close shows Manager and /or Craft savings of \$84,885. This figure is misleading, there will be no saving due to I, Lisa Smith, oversee both offices and Yerington doesn't have any other paid Management personnel.

There are some inaccuracies in the Final Determination Letter it states the South Valley Station has no routes, since 2001 all distribution and routes have been and still are ran out of the South Valley Station.

Yerington South Valley has the following:

4 City Routes; possible deliveries 2725

3 CDS Routes; possible deliveries 855

1 Rural Route; possible deliveries 325

The South Valley Station doesn't only serve post office box customers. We have a large lobby able to accommodate customers with disabilities, it also provides customers the room to prepare there packages, envelopes etc... and has a very large open retail section to purchase shipping supplies.

Respectfully,

Lisa Smith

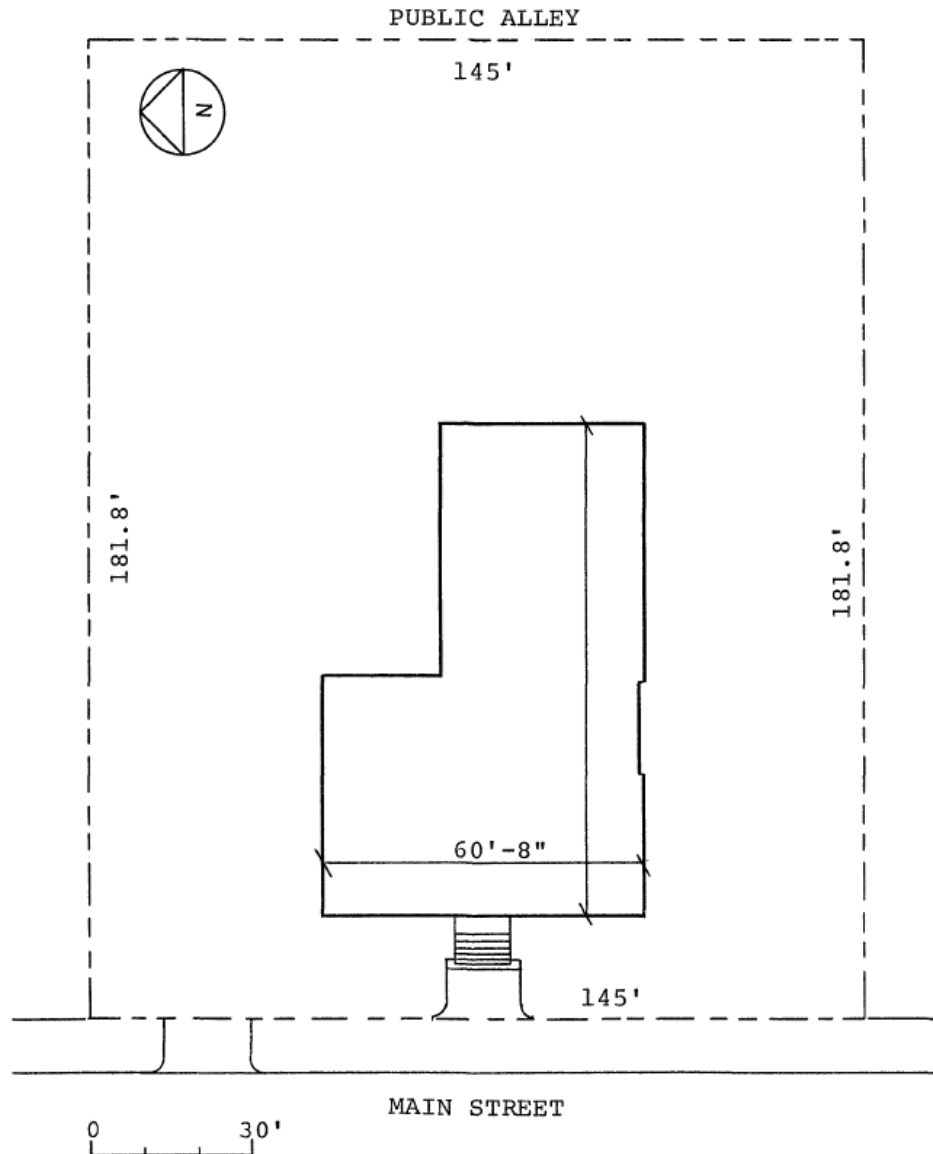
Postmaster

Yerington, NV 89447

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

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South Valley Station Slated for Closure



South Valley Station Slated for Closure

